

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT SALLEY,

Defendant.

Case No. CR20-220RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 32. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 33, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that substantial discovery has been provided, that defendant's evaluation has been obtained, that the parties require additional time for negotiations that may include negotiation and/or partial resolution in State Court, that the schedules for defense counsel and counsel for the government are limited in November, December, and January, and that the COVID-19 pandemic has affected the scheduling of trials in this district. Dkt. # 32. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to continue the trial date in this case would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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1 3. The Court finds that the additional time requested between September 27, 2021 and the
2 proposed trial date of March 14, 2022, is a reasonable period of delay. The Court finds that this
3 additional time is necessary to provide counsel reasonable time to prepare for trial, considering
4 all the facts set forth above.

5 4. The Court further finds that this continuance would serve the ends of justice, and that
6 these factors outweigh the best interests of the public and defendant in a speedier trial, within
7 the meaning of 18 U.S.C. § 3161(h)(7)(A).

8 5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy
9 trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right
10 and consented to the continuation of his trial to a date up to and including April 13, 2022, Dkt.
11 # 33, which will permit his trial to start on March 14, 2022, per defendant's request.

12 IT IS HEREBY ORDERED that the trial date shall be continued from September 27,
13 2021, to March 14, 2022, and pretrial motions are to be filed no later than February 11, 2022.

14 IT IS FURTHER ORDERED that the period of time from the current trial date of
15 September 27, 2021, up to and including the new trial date, shall be excludable time pursuant to
16 the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and
17 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
18 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

19 IT IS SO ORDERED.

20 DATED this 20th day of September, 2021.

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23 Robert S. Lasnik
24 United States District Judge
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